

MEETING MINUTES, BOARD OF ZONING APPEALS, JANUARY 12, 2009

Present: Phil Tinkle, Alford Kessinger, Ken Knartzer, Shan Rutherford, Mike Campbell, Bill Peeples, Senior Planner, Jay Isenberg, Asst. City Attorney, and Janice Nix, Recording Secretary

The meeting was called to order at 6:00 p.m. by Phil Tinkle, Chairman.

ELECTION OF OFFICERS

Chairman – Rutherford moved to nominate Tinkle, seconded by Knartzer. Vote for **approval** was unanimous, 5-0. **Motion carried.**

Vice-Chairman – Rutherford moved to nominate Knartzer, seconded by Kessinger. Vote for **approval** was unanimous, 5-0. **Motion carried.**

PREVIOUS MINUTES

December 8, 2008 – Knartzer moved to approve the minutes as mailed, seconded by Campbell. Vote for **approval** was unanimous, 5-0. **Motion carried.**

FINDINGS OF FACT

Docket V2008-015 – Dimensional Variance – Fairview Place Self Storage – Knartzer moved that in consideration of the statutory criteria that we adopt the written Findings of Fact as presented, incorporating the evidence submitted into the record, as our final decision and final action for Variance Petition Number V2008-015, seconded by Campbell. Vote for **approval** was unanimous, 5-0. **Motion carried.**

NEW BUSINESS

Docket V2009-001 – Dimensional Variance – Greenwood Springs Subdivision Sign – Request to construct subdivision sign located in the 30' wide greenbelt area in the I65 Overlay Zone – Wilson Farm, LP, property owner; KOE Engineering, representing.

Steven May, KOE Engineering, came forward and was sworn. His client is requesting to construct a subdivision sign for Greenwood Springs to help with identification of the property. Only the name of the subdivision will be listed on the sign.

The statutory criteria was addressed as follows:

1. **Criteria:** The approval will not be injurious to the public health, safety, morals, and general welfare of the community; **Answer:** The sign would be set back from the travel lanes of Emerson Avenue approximately 28 feet and from the right-of-way a distance of 10 feet. Additionally, the sign would be set back from Greenwood Springs Boulevard approximately 62 feet. Finally, the sign would be located outside the clear site triangular area formed by Greenwood Springs Boulevard and Emerson Avenue.
2. **Criteria:** The use and value of the area adjacent to the property included in the Variance will not be affected in a substantially adverse manner. **Answer:** The design of the sign would be consistent with the emerging architectural style of the medical offices within Greenwood Springs. The sign would provide for identification of the development from Emerson Avenue aiding in the identification of the development for travels along that high-speed arterial.
3. **Criteria:** The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property. **Answer:** The property on which the sign would be constructed is improved with a detention pond up to the greenbelt boundary and has a significant slope to the stop of bank. Placing the sign outside of the greenbelt would require either locating the sign within the pond or in proximity to Greenwood Springs Boulevard. An alternate location for the sign could be on the parcel south of Greenwood Springs Boulevard; however, this parcel is encumbered with a legal drain easement from the Boulevard south approximately 165 feet. The Johnson County Drainage Board would not permit the sign in the easement.

4. **Criteria:** The proposed structure is not regulated under Indiana Code 8-21-10 because the request, though within the Airspace Secondary Zoning District, is located 1,478 feet from the runway of the Greenwood Municipal Airport. In order to be regulated under Indiana code 8-21-10-3, the sign would have to exceed 14.78 feet in height. The proposed sign would be 4.5 feet in height.

Rutherford moved that we admit into the record all evidence presented in regard to this matter, including the notices, receipts, maps, photographs, written documents, Petitioner's application and attachments, Petitioner's Detailed Statement of Reasons, the Staff Report prepared by the Planning Department, certified copies of the Zoning Ordinance and Comprehensive Plan, testimony of the Petitioner, City planning staff and any Remonstrators, and all other exhibits presented, be they oral or written, for consideration by this Board in regard to this petition, and to include the testimony of those present this evening, seconded by Knartzer. Vote for **approval** was unanimous, 5-0. **Motion carried.**

Campbell moved that based on the evidence presented that the Board approve the granting of a dimensional variance for a sign to Greenwood Springs Commercial Subdivision located on N. Emerson Avenue, with the following condition:

- 1) The sign design shall comply with the sign exhibit submitted by the petitioner as part of this petition.

Seconded by Rutherford. Vote for **approval** was unanimous 5-0. **Motion carried.**

Rutherford moved that having considered the statutory criteria that we direct the City Attorney's Office to draft written Findings of Fact regarding our decision approving Variance Petition Number V2009-001, said Findings to specifically incorporate the staff report and the evidence submitted into the record, for consideration and adoption by the Board of Zoning Appeals as our final decision and final action regarding this Petition at our next meeting, seconded by Kessinger. Vote for **approval** was unanimous, 5-0. **Motion carried.**

ANNOUNCEMENTS/REPORTS

Asst. City Attorney Isenberg reported that the Sam's Fuel Station appeal is ongoing.

Rutherford moved to adjourn, seconded by Kessinger. Vote for approval was unanimous, 5-0. Motion carried. Meeting was adjourned at 6:17 p.m.

JANICE NIX
Recording Secretary

PHIL TINKLE
Chairman